



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. STATE ALLOCATION BOARD

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTIONS 1859.90.2, 1859.90.3, 1859.193, AND 1859.197, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced Regulation Sections, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Section 17070.35 of the Education Code. The existing Regulation sections noted above operate under the authority of 17078.72(k) and 17078.72(l) of the Education Code, and makes specific reference Sections 17072.12, 17072.30, 17074.16, 17076.10, 17077.40, 17077.42, 17077.45, 17078.72, and 17250.30 of the Education Code, and Section 1771.3 of the Labor Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP

provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The SAB, at its March 26, 2014 meeting, adopted proposed regulatory amendments to the SFP Regulations that require certain programs administered under the SFP to participate in the Priority Funding process. They are as follows:

- Overcrowding Relief Grant (ORG) Program,
- Career Technical Education Facilities Program (CTEFP), and
- Charter School Facilities Program (CSFP) [excluding advance release of design and/or site acquisition funds from a Preliminary Charter School Apportionment].

The projects associated with these programs are subject to the non-participating regulations outlined in SFP Regulation Section 1859.90.3, which provide if any of these projects receive two occurrences of non-participation, the bond authority associated with the project will be rescinded and returned to the specific program.

In addition to participating in the Priority Funding process, CTEFP projects must obtain and submit to the OPSC California Department of Education (CDE) plan approvals as well as Division of the State Architect-approved plans and specifications within 12 months from the date of a Priority Funding apportionment. As noted above, CTEFP projects are subject to the non-participating regulations, which means if any of these projects receive two occurrences of non-participation, the bond authority associated with the project will be rescinded and returned to the CTEFP. If the required submittal(s) is not received within 12 months, the apportionment will be rescinded without further SAB action and the CTEFP bond authority associated with the project(s) will return to the program for reallocation, which is an existing program requirement.

This helps to carry out the legislative and voter intent that the school bonds build and modernize California classrooms, create jobs in construction-related trades and industries, and stimulate the State's economy. This is in direct alignment with the Governor's directive.

Bond Funds Impacted

- Kindergarten–University Public Education Facilities Bond Act of 2002 (Proposition 47),
- Kindergarten–University Public Education Facilities Bond Act of 2004 (Proposition 55),
- Kindergarten–University Public Education Facilities Bond Act of 2006 (Proposition 1D)

Attached to this Notice is the specific regulatory language of the proposed regulatory action. You may also review the proposed regulatory language on the OPSC Web site at www.dgs.ca.gov/opsc. Copies of the amended regulatory text and form will be mailed to any person requesting this information by using the OPSC contact information set forth below. The proposed regulations amend the SFP Regulations under the CCR, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Background and Problem Being Resolved

The proposed regulatory amendments resolve the problem of bond authority being tied up in school district construction projects that have ceased moving forward for reasons such as declining enrollment, lack of funds for the local matching share, or other reasons. There is currently no incentive for school districts to voluntarily withdraw their projects from the Unfunded List (Lack of AB 55 Loans) because school district inaction keeps a project's place in line on this List. Therefore, school districts with approved projects could tie up bond authority indefinitely. The proposed regulatory amendments meet the need for a fair mechanism to reallocate the remaining bond authority to school districts ready to move their projects forward to construction.

Legislative History

Assembly Bill (AB) 16. The proposed regulatory amendments help to apportion school construction projects under AB 16, Chapter 33, Statutes of 2002 (Hertzberg), for CSFP projects because this is the statute which established the CSFP as a pilot program to determine the optimum method for providing school facilities funding for charter schools under the Kindergarten–University Public Education Facilities Bond Acts of 2002 and 2004 (Propositions 47 and 55). The following funding amounts were established under Propositions 47 and 55, respectively:

- \$100 million, and
- \$300 million

AB 127. The proposed regulatory amendments will help to apportion school construction projects under AB 127, Chapter 35, Statutes of 2006 (Perata/Nunez). AB 127 continued to provide funding for the CSFP and provided new bond funding to relieve severely overcrowded public school sites (ORG Program), and to enhance educational opportunities for pupils in existing high schools in order to provide them with the skills and knowledge necessary for the high-demand technical careers (CTEFP). The following funding amounts were established under Proposition 1D for the CSFP, ORG and CTEFP, respectively:

- \$500 million

- \$1 billion, and
- \$500 million

History of the Priority Funding Rounds

The Priority Funding Process re-prioritizes SFP apportionments for school construction projects that are “construction-ready,” meaning capable of submitting fund release requests within a short period of time (90 days) following approval of an apportionment by the SAB. Applicants must certify that their projects are construction-ready prior to receiving State bond funds. The purpose is to provide available State bond proceeds to the construction projects that can most readily commence construction, thereby helping to create jobs and stimulate the economy, which is in direct alignment with the Governor’s directive.

There have been eight very successful Priority Funding rounds:

1. The first Priority Funding round was established by the SAB through emergency regulations at its May 26, 2010 meeting, and allowed the SAB to fund **\$408.14 million** for 78 construction-ready school construction projects at its August 4, 2010 meeting. [There were 14 ORG applications that received bond proceeds through the Priority Funding process]
2. The second Priority Funding round resulted in the SAB approving 488 project apportionments from December 2010 through February 2011, totaling **\$1.630 billion**. [There were 26 ORG projects and two CSFP projects that received bond proceeds through the Priority Funding process.]
3. The third Priority Funding round resulted in the SAB approving, at its December 2011 meeting, **\$923.8 million** in State apportionments to 154 school districts representing 377 construction-ready school construction projects. [There were six ORG projects, two CSFP projects, and 26 CTEFP projects that received bond proceeds through the Priority Funding process.]
4. The fourth Priority Funding round resulted in the SAB approving, at its June 2012 meeting, **\$637.6 million** in State apportionments representing 198 construction-ready projects. [There were 25 ORG projects, one CSFP project, and 13 CTEFP projects that received bond proceeds through the Priority Funding process.]
5. The fifth Priority Funding round resulted in the SAB approving, at its December 2012 meeting, **\$383.8 million** in State apportionments representing 196 construction-ready projects. [There were ten ORG projects and 11 CTEFP projects that received bond proceeds through the Priority Funding process.]

6. The sixth Priority Funding round resulted in the SAB approving, at its May 2013 meeting, **\$519.9 million** in State apportionments representing 231 construction-ready projects. [There were four ORG projects, two CTEFP projects, and six CSFP advance site/design projects that received bond proceeds through the Priority Funding process.]
7. The seventh Priority Funding round resulted in the SAB approving, at its October 2013 meeting, **\$285.0 million** in State apportionments representing 112 construction-ready projects. [There were 16 ORG projects, seven CTEFP projects, and ten CSFP advance site/design projects that received bond proceeds through the Priority Funding process.]

As of April 1, 2014, for the above-noted programs, there is \$241.8 million of bond authority reserved for a total of 78 projects on the Unfunded List (Lack of AB 55 Loans). These were previously approved by the SAB without apportionments. On April 7, 2014, the SAB held a meeting that provided Priority Funding apportionments, in the amount of **\$372.2 million**, to projects on the Unfunded List (Lack of AB 55 Loans). Of these 78 projects, 25 of the above-noted program projects received Priority Funding apportionments representing roughly \$97.0 million.

The State has relied upon the SFP as a means to provide an economic stimulus to construction-related trades and businesses while meeting the classroom needs of the K–12 student population. There has been \$5.16 billion apportioned by the SAB through the Priority Funding process for school construction projects from August 2010 through April 2014 for these vital purposes. However, without these regulatory amendments, the SAB would not have a mechanism to rescind the bond authority tied up in a growing number of projects for these affected programs under the SFP.

Anticipated Benefits of the Proposed Regulations

The proposed regulations promote fairness and assists in the State's general welfare by helping to reallocate school bond authority from school construction projects that are not participating in or not requesting State apportionments through the Priority Funding process, and reallocating that bond authority to other projects to carry out the legislative intent of AB 16, AB 127, and Propositions 47 (2002), 55 (2004), and 1D (2006).

The proposed regulatory amendments are therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of these regulatory amendments will have a positive impact on public health and safety at public K–12 schools by allowing construction-ready projects to move forward toward construction or reallocating school bond authority from construction projects that

have not met the requirements of the Priority Funding process.

Reallocating the bond authority to SFP projects that are ready to move forward toward construction will benefit construction-related trades and businesses, stimulate the State's economy, and relieve school pupil housing needs for classrooms. The dollars associated with these regulatory amendments will also benefit the school district communities by stimulating the local economies.

Summary of the proposed regulatory amendments are as follows:

Existing Regulation Section 1859.90.2 sets forth the Priority Funding Process and allows the SAB to establish 30-calendar day request filing periods for school districts to request apportionments of available school bond funds. It includes projects under the CSFP that may apply for advance release of design funds from a Preliminary Charter School Apportionment and projects under the Critically Overcrowded School Facilities Program that may apply for advance release of environmental hardship site acquisition funds. These applicants must provide a written statement signed by the authorized district representative within the 30-calendar-day filing period that acknowledges specific requirements for participation and funding. Applicants must also submit the Form SAB 50–05, with an original signature, to be received by the OPSC within 90 calendar days of the SAB's approval of the apportionment. Additionally, projects under the CSFP may apply for advance release of site acquisition funds from a Preliminary Charter School Apportionment. These projects are subject to a timeline of 180 calendar days to file Form SAB 50–05, with the specific requirement to provide a written statement signed by an authorized representative within the 30-calendar-day filing period that acknowledges specific requirements for participation and funding. Participants meeting the priority funding process requirements but for which an Apportionment cannot be provided shall retain their date order position on the Unfunded List (Lack of AB 55 Loans). Participants failing to meet required criteria have their apportionment or approved advance release of funds returned to unfunded approval status with a specified unfunded approval date.

The proposed regulatory amendments to Regulation Section 1859.90.2(a)(2) clarify that the process for CTEFP projects will be explained later in this Section because the mechanics of this particular Program work differently compared to other programs under the SFP. Subsections (a)(5)(A) and (a)(5)(B) set forth the specific mechanics of the process that CTEFP projects shall follow when participating in the Priority Funding process. This will ensure that the process is applied consis-

tently and fairly to all CTEFP applicants while ensuring integrity for the Priority Funding process. Since the Priority Funding process is the primary manner by which all SFP administered programs are funded, process integrity must be maintained. There are minor grammatical changes throughout this Section that are considered non-substantive changes.

Existing Regulation Section 1859.90.3 applies to new construction, modernization, facility hardship pursuant to Section 1859.82 and rehabilitation pursuant to Section 1859.83(e). This Section provides for the rescission of an Apportionment and/or unfunded approval for SFP projects on the Unfunded List (Lack of AB 55 Loans) that twice choose not to participate in or not to request State apportionments through the Priority Funding process. Two ways are specified for a district to choose not to participate or not to request its apportionment:

- Not participating in the 30-calendar-day filing period for the Priority Funding process, or
- Participating in the process and receiving an Apportionment but failing to submit a valid Form SAB 50-05 to request the release of funds.

The first occurrence of abstaining from participating in the 30-calendar-day request filing period allows a project to keep its place on the Unfunded List (Lack of AB 55 Loans). The first occurrence of receiving a Priority Funding Apportionment but failing to submit a valid Form SAB 50-05 to request the release of funds would result in rescission of the Apportionment and the application returns to the Unfunded List (Lack of AB 55 Loans) with a new unfunded approval date that is 90 days from the date of Apportionment.

A subsequent occurrence of abstaining from participating in the 30-calendar-day request filing period for the priority funding process or receiving a Priority Funding Apportionment but failing to submit a valid Form SAB 50-05 to request the release of funds shall mean that:

- the application is removed from the Unfunded List (Lack of AB 55 Loans) without further Board action,
- the bond authority associated with the Apportionment and/or unfunded approval returns to the appropriate SFP bond authority source for reallocation,
- the application is returned to the applicant, and
- the pupils assigned to the project would be added back to the district's baseline eligibility for new construction or modernization, if applicable.

The proposed regulatory amendments remove language that is no longer applicable and include the following programs under the SFP that must participate in the Priority Funding Process:

- ORG
- CTEFP
- CSFP (excluding advance release of design and/or site acquisition funds from a Preliminary Charter School Apportionment).

The proposed regulatory amendments in subsection (a) specify an effective date of when these proposed amendments would affect the projects under their respective programs (i.e., ORG, CTEFP, and CSFP [excluding advance release of design and/or site acquisition funds from a Preliminary Charter School Apportionment]). There are minor grammatical changes throughout this Section that are considered non-substantive changes.

Existing Regulation Section 1859.193 specifies that CTEFP projects may be allowed to construct a new facility or modernize or Reconfigure an existing facility. Grant determinations shall not exceed \$3 million for new construction projects or \$1.5 million for modernization/reconfiguration projects. An additional grant for the HP BIG may be added to the CTEFP grant determination regardless of the \$3 million or \$1.5 million per-project maximum CTEFP amounts. The proposed regulatory amendments are minor grammatical changes and are considered non-substantive changes.

Existing Regulation Section 1859.197 sets forth the criteria for CTEFP fund releases. The proposed regulatory amendments in subsections (c), (c)(1) and (c)(2) set forth the required approvals and timeline by which CTEFP projects must be submitted for purposes of the Priority Funding process. This ensures integrity is maintained for the Priority Funding process. The proposed amendments also specify the resulting impact to CTEFP projects should the required approvals and timeline not be met. This is an existing program requirement. There are minor grammatical changes and corrected lettering for subsections throughout this Section that are considered non-substantive changes.

Determination of Inconsistency or Incompatibility with Existing State Regulations:

The proposed regulatory amendments resolve the problem of bond authority being tied up in school district construction projects that have ceased moving forward. There is currently no incentive for school districts to voluntarily withdraw their projects from the Unfunded List (Lack of AB 55 Loans) because school district inaction keeps a project's place in line on this List. Therefore, school districts with approved projects could tie up bond authority indefinitely. The proposed regulatory amendments meet the need for a fair mechanism to reallocate the remaining bond authority to school districts ready to move their projects forward to construction.

The State's economy will be stimulated because school districts receiving State apportionments based on these additional SAB programs participating in the Priority Funding process will award their construction contracts. Such construction projects will create and maintain professional and trades jobs such as architects, engineers, surveyors, planners, equipment operators, installers of all types of building materials, framers, plumbers, roofers, electricians, installers of electronics, painters, finishers, landscapers, and administrators. Jobs are also created and sustained in manufacturing all building materials and components, including green technology and energy-saving components.

After conducting a review, the SAB has concluded that these are the only regulations on this subject area, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulatory amendments are within the SAB's authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require school districts to incur additional costs in order to comply with the proposed regulations.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.

- The proposed regulations create no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulations create no costs or savings to any state agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact to Businesses and Jobs in California

Proceeding with the implementation of these regulatory amendments will have a positive impact on California businesses, such as local businesses, manufacturing, "green" technology and construction industries (i.e., architects, engineers, trades and municipalities), along with maintaining or creating an unspecified number of jobs. This will result when school bond authority reserved for these program projects [i.e., ORG, CTEFP, and CSFP (excluding advance release of design and/or site acquisition funds from a Preliminary Charter School Apportionment)] that are not moving forward is reallocated to projects that are ready to move forward to construction.

The State has relied upon the SFP as a means to provide an economic stimulus to construction-related trades and businesses while meeting the classroom needs of the K-12 student population. The SAB established the Priority Funding process in May 2010 and has held eight Priority Funding periods (from August 2010 through April 2014), which apportioned a total of \$5.16 billion to projects on the Unfunded List (Lack of AB 55 Loans). The Priority Funding process re-prioritizes SFP apportionments for school construction projects that are "construction-ready." Priority Funding apportionments are accomplished through authorized bond sales by the State Treasurer's Office, the return of bond funds from rescinded projects, and/or other sources.

The proposed regulatory amendments will help the OPSC, on behalf of the SAB, to continue to comply with the Department of Finance (DOF) Budget Letter #10-09, which stipulates that cash need estimates will be submitted to the DOF and the State Treasurer's Office twice a year prior to each spring and fall bond sale period. The Budget Letter also stipulates that State bond funds previously received should be expended prior to the sale of additional bonds. This means that the OPSC

must effectively and efficiently manage available bond proceeds by expediting SAB apportionment approvals.

This will carry out the Legislative and voter intent to build and modernize classrooms, create jobs in construction-related trades and industries, and stimulate the State's economy. This is in direct alignment with the Governor's directive.

Therefore, the proposed regulations provide a positive impact to the creation of jobs, the creation of new businesses, and the expansion of businesses in California. It is not anticipated that the proposed regulations will result in the elimination of existing businesses or jobs within California.

Benefits to Public Health and Welfare, and the State's Environment

- The proposed regulatory amendments benefit the health and safety of pupils, staff, and others on California school sites, and the State's environment because the amendments will facilitate and accelerate the construction of schools. SFP-approved school sites are approved by the CDE and the Department of Toxic Substances Control. The SFP funds projects that, in some cases, meet the needs of non-severely and severely disabled pupils. The SFP also funds projects that improve energy and water efficiency, indoor environmental quality, and natural lighting, low toxin materials, and improved acoustics for schools.
- The proposed regulatory amendments promote fairness and the State's general welfare by helping to reallocate school bond authority from school construction projects that are not participating in or not requesting State apportionments through the Priority Funding process, and reallocating that bond authority to other projects to carry out the Legislative intent of AB 16, AB 127, and Propositions 47 (2002), 55 (2004), and 1D (2006).
- The proposed regulatory amendments have a direct benefit to California businesses because once State bond funding has been released school districts are able to use the funds for construction projects, thus expanding construction-related trades and businesses and stimulating the State's economy. These actions are in direct alignment with the Governor's directive. In addition, the dollars associated with these regulatory amendments will benefit the school district communities by stimulating the local economies.
- The proposed regulatory amendments increase the investment in the State because new school facilities are constructed and existing school buildings modernized for the students' health and safety, and overall academic success.

- The proposed regulatory amendments provide incentive for innovation because more school districts are constructing new school facilities that include high performance components such as natural lighting, energy and water efficiency, and air quality that enhance the learning environment.

EFFECT ON SMALL BUSINESSES

It has been determined that the amendments to the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. The regulations only apply to school districts and charter schools for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OPSC no later than July 7, 2014, at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulations
Coordinator

Mailing Address: Office of Public School
Construction
707 Third Street, 9th Floor
West Sacramento, CA 95605

E-mail Address: lisa.jones@dgs.ca.gov
Fax No.: (916) 375-6721

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Ron Koepl at (916) 375-2032. If Mr. Koepl is unavailable, these questions may be directed to the backup contact person, Ms. Lisa Jones, Supervisor, Regulations Team, at (916) 376-1753.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency's regulations coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under "Resources," then click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulations coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by July 7, 2014, at 5 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-5271, or by letter to:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

POST relies upon its written Regulations to describe its authority and processes. It is imperative that all regulations are clearly written and accurately reflect POST practices. Providing definitions and designating explicit authority to suspend a training course will eliminate any questions regarding the ability of POST staff to act in the best interest of the Commission. For POST Regulations to better serve both staff and presenters, Regulation 1001 should be amended to include definitions of "Course Decertification" and "Course Suspension". In addition, Regulations 1057 and 1058 should designate explicit authority for taking these actions. The time authorized for the appeal process should also be amended to provide the appellant, staff, and the Commission additional time to deliberate and render its decision concerning appeals. The Commission appeal process should be described to ensure consistency in how appeals will be conducted.

The implementation of these changes will greatly reduce any confusion regarding actions by staff in regards to course suspension, decertification, and the appeals process. The specific benefits anticipated by the proposed changes to the regulations will be to promote fairness for all individuals and course presenters by ensuring consistency in how appeals shall be conducted when staff takes actions to suspend or decertify a certified course. Ultimately, the regulatory proposal furthers the goal of the Commission by increasing the effectiveness of law enforcement standards for peace officers in preserving peace, protection or public health and safety, and welfare of California.

During the process of developing these regulations and amendments, POST has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency of-

ficial designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

ESTIMATE OF ECONOMIC IMPACT

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code Sections 17500–17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: Commission sets selection and training standards for law enforcement and its actions and authority do not have an impact on California businesses, including small businesses as defined by Government Code section 11342.610.

This regulatory proposal would have no significant adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Affect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

RESULTS OF ECONOMIC IMPACT ASSESSMENT PER GOV. CODE SEC. 11346.3(b)

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to provide clear definitions of course suspension and decertification, identify which staff could take such actions, and a process to appeal those actions and procedure to follow in such appeals. There would be no impact that would affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative that has been identified, brought to the attention of the Commission or considered, would be more effective in carrying out the purpose for which the action is proposed, would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

To not enact the amendments would support an environment where POST practice was not reflective of regulation, causing confusion to its clients and potential liability to the Commission. It could hinder POST from taking appropriate action to protect the Commission and to protect the health and welfare of those who participate in POST-certified training courses.

CONTACT PERSONS

Inquiries about this proposed regulatory action may be directed to Ed Pecinovsky at (916) 227-3917 or by e-mail at ed.pecinovsky@post.ca.gov.

Inquiries regarding the regulatory process may be directed to Patti Kaida at (916) 227-4847 or by e-mail at Patti.Kaidapost.ca.gov.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

TITLE 13. CALIFORNIA HIGHWAY PATROL

SAFETY COMPLIANCE RATINGS (CHP-R-13-07)

Section 2402 of the California Vehicle Code (CVC) authorizes the Commissioner of the California Highway Patrol (CHP) to make and enforce regulations as necessary to carry out the duties of the CHP. Sections 34501 and 34501.5 CVC allow the CHP to adopt reasonable rules and regulations that, in the judgment of the CHP, are designed to promote the safe operation of vehicles described in Section 34500 CVC including, but not limited to, controlled substances and alcohol testing of drivers by motor carriers, hours of service of drivers, equipment, fuel containers, fuel operations, inspection, maintenance, record keeping, accident reports and drawbridges. The adopted regulations are contained in Title 13 of the California Code of Regulations (CCR).

Section 34501(a)(4) CVC, authorizes the CHP to inspect vehicles of a type listed in Section 34500 CVC, in maintenance facilities or terminals, to ensure compliance with the CVC and regulations adopted pursuant to Section 34501 and 34501.5 CVC. Section 34515 CVC defines a terminal or maintenance facility as a location where specified vehicles are regularly garaged or from which they are dispatched. For the purpose of Section 34501.12 CVC Section 34515(b) CVC specifies a terminal is a location designated by a motor carrier, where vehicles may be inspected.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law contained in Sections 2813 and 34501 CVC provide authority for the CHP to inspect commercial vehicles and records of motor carriers for the purpose of determining compliance with applicable statutes and regulations. Vehicle inspections may be conducted at any location where signs are displayed and members of the Department are present, or in maintenance facilities or terminals.

The CHP proposes to amend Title 13 CCR, Division 2, Chapter 6.5, Article 6, Section 1233, in order to clarify that Commercial Vehicle Safety Alliance North American Standard Level I or Level V vehicle inspections, conducted by any authorized personnel at locations other than maintenance facilities or terminals, in addition to or in lieu of vehicle inspections conducted at a designated maintenance facility or terminal, may be used to make a determination regarding the compliance of a motor carrier with vehicle and equipment require-

ments, and overall compliance with vehicle preventive maintenance requirements.

Anticipated Benefits.

Adoption of these criteria will continue to provide a nonmonetary benefit, reinforcing the protection and safety of public health, employees, and the environment, by providing a regulatory basis for enforcement efforts as they relate to motor carrier safety compliance ratings.

Consistency Evaluation.

During the process of developing these regulations and amendments, the CHP has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile to (916) 322-3154, by email to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Enforcement and Planning Division
Commercial Vehicle Section
Attention: Mr. Cullen Sisskind
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 4:45 p.m., on July 7, 2014.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, requestor's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requestor's information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 601 North 7th Street, Sacramento, Califor-

nia 95811. Interested parties are advised to call in advance to schedule an appointment.

All documents regarding the proposed action are also available through the Department's Internet Web site at: <http://www.chp.ca.gov/regulations/index.html>.

Once prepared, any person desiring a copy of the adopted text and a final statement of reasons may request them at the above-noted address or by visiting the above outlined Web site.

CONTACT PERSON

Inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the substance of the proposed regulations, may be directed to Mr. Cullen Sisskind, or Mr. Craig Weaver, CHP, CVS, at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or non-substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code Sections 17500-17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; (5) will continue to provide benefits which include a nonmonetary benefit to the protection and safety of public health, employees and safety to the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings; and, (6) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the applicable statutes and regulations.

EFFECT ON SMALL BUSINESSES

The CHP has determined the proposed regulatory action has no adverse effect on small businesses. The action is intended to clarify the means by which the Department may make the required determination of compliance with applicable statutory and regulatory requirements. As a result, no small business will be required to either comply with or enforce new regulations, nor will any small business in compliance with applicable safety requirements, incur a detriment.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the CHP, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Sections 2402, 31401, 34501, and 34501.5, CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 2813, 34500.1, 34501(a), 34501(c), 34501.12, and 34515, CVC.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by

Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret, and make specific PC Section 5054, proposes to amend Section 3043 in the California Code of Regulations, Title 15, Division 3, concerning Milestone Completion Credits for Enhanced Outpatient Program (EOP) Inmates.

PUBLIC HEARING

Date and Time: July 17, 2014 — 9:00 a.m. to 10:00 a.m.

Place: Department of Corrections and Rehabilitation
Kern/Colorado Room
1515 S Street — North Building
Sacramento, CA 95811

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close July 17, 2014, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883,
Sacramento, CA 94283-0001
Telephone (916) 445-2269

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

G. Long
Regulation and Policy Management Branch
Telephone (916) 445-2276

Questions regarding the substance of the proposed regulatory action should be directed to:

Kelly Santoro
Chief Deputy Warden
(661) 758-7001

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

PC Section 5058.3 provides in part that no showing of emergency is necessary in order to adopt, amend, or repeal an emergency regulation if the director instead certifies, in a written statement filed with the Office of Administrative Law, that operational needs of the Department require adoption, amendment, or repeal of the regulation on an emergency basis.

Current regulations offer eligible inmates the opportunity to participate in rehabilitative programs, including vocational, academic and career/technical programs to earn milestone completion credits to reduce their time of confinement. The Milestone Completion Credit Schedule outlines the requirements and timelines for these programs.

The proposed regulations revises the Milestone Completion Credit Schedule to include Enhanced Outpatient Program (EOP) treatment benchmarks that will give EOP inmates who are eligible the opportunity to earn milestone completion credits.

INCORPORATION BY REFERENCE

The Milestone Completion Credit Schedule (Rev. 04/14) is incorporated by reference and will be made available to the public along with the Notice of Proposed Regulations, Text of Proposed Regulations, and Initial Statement of Reasons.

**SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS**

The Department has determined these proposed regulations:

- Provide EOP inmates the ability to earn milestone completion credits.
- Provide a positive incentive for EOP inmates to participate and complete the treatment in their mental health treatment plan.
- Aid inmates to successfully reintegrate into society.
- Reduce inmates' chances of recidivism.

**EVALUATION OF
INCONSISTENCY/COMPATIBILITY WITH
EXISTING REGULATIONS**

The Department has researched existing regulations and has determined that these proposed regulations are not inconsistent or incompatible with existing State laws and regulations.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: *None.*
- Cost or savings to any state agency: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the State: *None.*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT AFFECTING BUSINESSES**

The Department has initially determined that the proposed regulations will not have a significant statewide

adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no impact in the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

The Department has determined that the proposed regulations promote worker safety and benefit the health and welfare of California residents and the State's environment by providing inmates rehabilitative programs and training for a successful transition back into their community and to help reduce recidivism.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of State prisons.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alterna-

tives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file), is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website at http://www.cdcr.ca.gov/Regulations/Adult_Operations/index.html.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons will be available on the Department's website at http://www.cdcr.ca.gov/Regulations/Adult_Operations/index.html, and may also be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 16. BOARD OF BEHAVIORAL SCIENCES

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Board of Behavioral Sciences
1625 N. Market Blvd,
El Dorado Room, Suite 220
Sacramento, CA 95834
July 8, 2014
10:00 a.m.–11:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **July 7, 2014** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 315, 4980.60, and 4990.20 of the Business and Professions Code, and Section 11400.20 of the Government Code, and to implement, interpret, or make specific Sections 315, 315.2, 315.4, 4982, 4989.54, 4992.3, and 4999.90 of the Business and Professions Code, and Section 11425.50(e) of the Government Code, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board is the regulatory entity tasked with regulating the practice of marriage and family therapists (LMFTs), licensed educational psychologists (LEPs), licensed clinical social workers (LCSWs) and licensed professional clinical counselors (LPCCs) in the State of California. In total, the Board has approximately 86,000 licensees/registrants. The Board's highest priority is public protection when exercising its licensing, regulatory, and disciplinary functions.

The Board is authorized to investigate the criminal conviction history of applicants and licensees, subsequent arrests, allegations of unprofessional conduct, and unsafe or incompetent practice by its licensees or registrants. The Board is authorized to discipline licensees and applicants who may jeopardize the health, safety, and welfare of the consumer.

Existing law, Business and Professions Code (BPC) Sections 4980.60 and 4990.20, authorizes the Board to adopt rules and regulations that are necessary to carry out its mandate as prescribed in law.

Existing law, BPC Sections 4982, 4989.54, 4992.3, and 4999.90, defines actions that constitute unprofessional conduct for the Board's LMFT, LEP, LCSW, and LPCC licensees and registrants, respectively.

Existing law, BPC Section 315, established the Substance Abuse Coordination Committee (SACC) within the Department of Consumer Affairs (DCA). The purpose of the committee was to formulate uniform standards for all healing arts boards to use when disciplining substance-abusing licensees.

Existing law, BPC Section 315.2, requires a healing arts board to order a licensee to cease practice if the licensee tests positive for any substance prohibited under the terms of the licensee's probation or diversion program.

Existing law, BPC Section 315.4, allows a healing arts board to adopt regulations authorizing the board to order a licensee on probation or in a diversion program to cease practice for major violations and when the board orders a licensee to undergo a clinical diagnostic evaluation pursuant to Section 315.

Existing law, Government Code Section 11400.20, allows an agency to adopt regulations to govern an adjudicative proceeding under the Administrative Procedure Act.

Existing law, Government Code Section 11425.50(e), states that a penalty may not be based on a guideline, criterion, bulletin, manual, instruction, order, standard of general application or other rule unless it has been adopted as a regulation.

There is not an existing federal regulation or statute comparable to this proposal.

Proposed Amendments to BPC Section 1888 and Disciplinary Guidelines

The purpose of this proposal is to amend BPC Section 1888 and the "Board of Behavioral Sciences Disciplinary Guidelines" (Rev. December 2012).

The Board established its Disciplinary Guidelines to facilitate uniformity of disciplinary orders and to ensure that its disciplinary policies are known. The Disciplinary Guidelines are intended for use by Board licensees and registrants in the disciplinary process, administrative law judges and attorneys, and Board members.

The Board proposes revising the disciplinary guidelines to incorporate the SACC's uniform standards for substance abusing licensees, and to establish when the uniform standards would apply. The revised document would be titled "Uniform Standards Related to Substance Abuse and Disciplinary Guidelines."

Section 1888 requires that when making a decision on disciplinary actions, the Board shall consider the disciplinary guidelines, and the section incorporates the guidelines into regulations by reference.

Section 1888 would be revised to incorporate by reference the new version of the disciplinary guidelines entitled “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines.” It would also be amended to define the circumstances under which the Uniform Standards would apply, and would allow the Board the authority to impose additional disciplinary action, beyond the Uniform Standards, if the Board deems it necessary to provide greater public protection.

Policy Statement Overview/Anticipated Benefit: These proposed amendments give the Board a tool to provide uniform and effective disciplinary action to substance abusing licensees. This will benefit members of the public who utilize therapists, by providing greater assurance that their therapist is fit to practice.

Uniform Standards Related to Substance Abuse and Disciplinary Guidelines

Based on the standards created by the SACC, Board staff drafted amendments which incorporated the Uniform Standards into the Disciplinary Guidelines, as appropriate.

The resulting “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines” consists of four parts:

1. **Uniform Standards Related to Substance Abuse:** This is a new section and would apply to licensees or registrants who test positive for a controlled substance, or whose license or registration is on probation due to a substance abuse problem.
2. **Penalty Guidelines:** This section was already part of the Disciplinary Guidelines; it lists types of violations and the range of penalties that may be imposed. Amendments have been added where needed to include the new Uniform Standards.
3. **Disciplinary Orders:** This section was already part of the Disciplinary Guidelines. It contains language for proposed optional and standard terms and conditions of probation. It has been modified, where appropriate, to include the new Uniform Standards.
4. **Board Policies and Guidelines:** Already part of the Disciplinary Guidelines, this section explains the policies and guidelines for various enforcement actions. Minor technical amendments have been made where needed.

Policy Statement Overview/Anticipated Benefit: Adoption of these proposed amendments will increase public protection by ensuring that Board licensees who are determined to be substance-abusing licensees will

be subject to a prescribed set of disciplinary actions, which is consistent with the discipline required of all substance-abusing healing arts licensees.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Board of Behavioral Sciences has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

The document entitled “Uniform Standards Related to Substance Abuse and Disciplinary Guidelines” [Rev. (*OAL to insert effective date*)] has been incorporated by reference into Section 1888.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Board has made an initial determination that the proposed regulatory action may have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following types of businesses would be affected:

- Businesses owned by licensees of the Board who face disciplinary action due to substance abuse; and
- Businesses that employ licensees of the Board who face disciplinary action due to substance abuse.

The following reporting, recordkeeping, or other compliance requirements are projected to result from the proposed action:

- None.

A license that has been revoked, suspended, reprimanded, or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary ac-

tion may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data regarding the number or percentage of licensees who own a business; therefore the number or percentage of businesses that may be impacted cannot be predicted. The Board only has authority to take administrative and disciplinary action against a licensee, not a business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Businesses operated by licensees who are in compliance with the law, as well as licensees employed by these businesses who are in compliance with the law, will not incur any fiscal impact.

The Board has not considered proposed alternatives that would lessen any adverse economic impact on businesses and invites you to submit such proposals. Submissions may include the following considerations:

- A. The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- B. Consolidation or simplification of compliance and reporting requirements for businesses.
- C. The use of performance standards rather than prescriptive standards.
- D. Exemption or partial exemption from the regulatory requirements for businesses.

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence which supports this determination.

Cost Impacts on Representative Private Persons or Businesses:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, unless that individual is licensed by the Board and subject to disciplinary action.

This proposal would impact private persons who are licensees of the Board, or businesses that are owned by licensees of the Board, who face disciplinary action due to substance abuse violations.

A license that has been revoked, suspended, reprimanded, or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore, the number or percentage of businesses that may be affected cannot be predicted. The Board only has the authority to take ad-

ministrative action against a licensee and not a business. Therefore, the costs incurred by a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

Under the proposed Uniform Standards, a licensee with a substance abuse violation may be subject to several disciplinary actions. Some are mandatory, and some may be required based on the circumstances of the case. Potential disciplinary actions, and their estimated costs, are as follows:

Potential Costs for a Licensee/Registrant Subject to the Uniform Standards due to Substance Abuse

Disciplinary Action [1]	Estimated Unit Cost [4]
Clinical Diagnostic Evaluation	\$1,000–\$3,000 per evaluation
Suspension of License/Registration [2]	individual's salary
Inpatient Substance Abuse Treatment	\$10,000–\$35,000 depending on treatment program
Supervised Practice	approx. \$200–\$400 per month
Chemical Dependency Support/Recovery Group Meetings	\$0–\$100 per month depending on program
Drug/Alcohol Testing (52–104 tests in Year 1) [3]	approx. \$70 per test

[1] Represents possible disciplinary actions based on the Uniform Standards. Frequency or necessity of each individual action may vary based on the circumstances of the case.

[2] Suspension of license/registration is required at a minimum for the duration of the clinical diagnostic evaluation. The suspension would continue if licensee is not found safe to return to practice

[3] Required frequency of drug testing is 52–104 times in year 1, 36–104 times in years 2–5, and if no positive tests, once per month after year 5.

- [4] In addition to these costs, the licensee/registrant may incur other minor costs related to the reporting requirements of the Uniform Standards. These include costs of notifying the employer of the Board's decision, and submission to the Board of required documents such as the clinical diagnostic evaluation.

Effect on Housing Costs: None.

Effect on Small Businesses

The Board has determined that the proposed regulations may affect small businesses.

A license that has been revoked, suspended, reprimanded, or placed on probation may cause a significant fiscal impact on the small business where the licensee works depending on the nature and severity of the violation. A small business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be affected cannot be predicted. The Board only has the authority to take administrative action against a licensee and not a small business. Therefore, the costs incurred by a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Small businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

The Board has determined that the proposed regulatory action may have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

A license that has been revoked, suspended, reprimanded, or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore, the number or percentage of businesses that may be affected cannot be predicted. The Board only has the authority to take administrative action against a licensee and not a business. Therefore, the costs incurred by a business owned by a licensee who is the subject of disciplinary action cannot be projected. Businesses operated by licensees

who are in compliance with the law will not incur any fiscal impact.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: The Board has determined that this regulatory proposal will benefit the health and welfare of California residents who seek the services of the Board's licensees, because it ensures there are high standards in place to effectively and consistently discipline all healing arts licensees who are found to have substance abuse violations.

Business and Professions Code Section 4990.16 states the following: "Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." The Uniform Standards provide the Board with an effective tool to discipline substance-abusing licensees, and the public will benefit from this increased protection.

The proposal will have no effect on worker safety or the State's environment.

Reporting Requirements: This proposed regulation does not impose any reporting requirements upon a licensee who is in compliance with the law. Licensees who are subject to disciplinary action due to substance abuse violations will face requirements to report to the Board and/or employer various information regarding their disciplinary action, clinical diagnostic evaluation, current employment, compliance with supervision requirements, and submittal of other required documentation.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the this Notice under Contact Person listed below, or by accessing the Board's website, www.bbs.ca.gov

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the Contact Person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the Contact Person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Rosanne Helms
 Address: Board of Behavioral Sciences
 1625 North Market Blvd., Suite S200
 Sacramento CA 95834
 Telephone: 916-574-7897
 Fax: 916-574-8626
 Email: Rosanne.Helms@dca.ca.gov

The backup contact person is:

Name: Marc Mason
 Address: Board of Behavioral Sciences
 1625 North Market Blvd., Suite S200
 Sacramento CA 95834
 Telephone: 916-574-7828
 Fax: 916-574-8626
 Email: Marc.Mason@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at www.bbs.ca.gov.

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is proposing to take the action described in the Informative Digest. The Board does not intend to hold a hearing in this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 5 p.m. on June 26, 2014. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text.

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on July 10, 2014.

Authority and Reference: Pursuant to the authority vested in sections 481, 6716, 7818, and 8710 of the Business and Professions Code, and to implement, interpret or make specific Sections 480, 481, 490, 493, 6775, 6779, 7860, 7863, 8780, and 8783 of the Business and Professions Code, the Board is considering changes to Division 5 and Division 29 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

California Business and Professions (B&P) Code sections 6716, 7818, and 8710 authorize the Board to adopt, amend, and repeal regulations as may be reasonably necessary to enable the Board to implement laws relating to the practices of engineering, land surveying, geology, and geophysics. Pursuant to B&P Code sections 6710.1, 7810.1, and 8710.1, the Board's highest priority is the protection of the public through the administration of its licensing, regulatory, and disciplinary functions. In addition, the Board's intent is to ensure that all regulations are clear, relevant, unambiguous, and functional and to implement regulatory actions that provide consistency among all of the Board's regulated professions, in accordance with the Board's 2011–2014 Strategic Plan.

B&P Code section 480 authorizes the Board to deny a license based on the fact that the applicant has been con-

victed of a crime; done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or herself, or another, or substantially injure another; and/or done any act, which if done by a licensee of the profession, would be grounds for suspension or revocation of a license. The Board may deny a license if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession of engineering, land surveying, geology or geophysics.

B&P Code section 481 requires the Board to develop criteria to assist in determining whether a crime or act is substantially related to the qualifications, functions, or duties of a Professional Engineer, Land Surveyor, Geologist or Geophysicist when considering the denial, suspension, or revocation of a license.

B&P Code section 490 authorizes the Board to suspend or revoke a license based on grounds that the licensee has committed a crime or act that is substantially related to the qualifications, functions, or duties of a Professional Engineer, Land Surveyor, Geologist or Geophysicist.

Furthermore, B&P Code sections 6775, 7860 and 8780 authorize the Board to publically reprove, suspend, or revoke a license based on the conviction of a crime substantially related to the qualifications, functions, and duties of a Professional Engineer, Land Surveyor, Geologist or Geophysicist.

The existing language of Title 16, CCR Sections 416 (Substantial Relationship Criteria related to Professional Engineers and Land Surveyors) and 3060 (Substantial Relationship Criteria related to Professional Geologists and Geophysicists) indicates that for the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with section 475) of the Business and Professions Code, a crime or act shall be substantially related to the qualifications, functions, and duties of a Professional Engineer, Land Surveyor, Geologist or Geophysicist, if to a substantial degree, it shows present or potential unfitness of the individual to perform the functions authorized by his or her license in a manner consistent with the public health, safety, or welfare. Title 16, CCR Section 416, indicates that crimes or acts shall include, but are not limited to, the following: any violations of the provisions of the Professional Engineers Act or Professional Land Surveyors Act or aiding and abetting any person in such a violation, and conviction of a crime arising from or in connection with the practice of Professional Engineering and Land Surveying. Title 16, CCR Section 3060, indicates that crimes or acts shall include, but are not limited to, the following: any violations of the provisions of Chapter 12.5 of Division 3 of the Business and Professions Code (Geologist and Geophysicists Act).

The existing language does not elaborate or provide information regarding the types of crimes or acts which could be considered in the denial, suspension, or revocation of a license. The existing language is very broad. Precise language will improve the Board's ability to successfully pursue disciplinary action when necessary. The broad language also makes it difficult for the licensee as well as the public to understand what crimes or acts are considered substantially related to the qualifications, functions, or duties of a Professional Engineer, Land Surveyor, Geologist, or Geophysicist; therefore, there is no clear basis for the licensee or public to determine the crimes or acts that could result in a license denial, suspension, or revocation.

The following proposed changes to the regulations provide examples of types of crimes or acts that are substantially related to the professions that the Board regulates. In addition, the changes update terminology to create consistency between the regulations regarding the practice of Professional Engineers and Land Surveyors (Title 16, CCR Section 416) and Professional Geologists and Geophysicists (Title 16, CCR Section 3060):

Title 16, CCR section 416 (Substantial Relationship Criteria):

The language "a conviction of a crime" used in subsection (c) has been changed to "crimes or acts" to be consistent with the language used in B&P Code section 481 (enabling statute). B&P Code section 481 indicates that the Board shall develop criteria to determine whether a "crime or act" is substantially related to the qualifications, functions or duties of the business or profession it regulates. In addition, the following examples of criteria have been added: crimes or acts involving dishonesty, fraud, deceit, or theft with the intent to substantially benefit oneself or another or to substantially harm another; crimes or acts involving physical violence; and, crimes or acts that indicate a substantial or repeated disregard for the health, safety, or welfare of the public.

Title 16, CCR section 3060 (Substantial Relationship Criteria):

The language "Chapter 12.5 of Division 3 of the Business and Professions Code" used in subsection (a) has been changed to "the Geologist and Geophysicist Act" for clarity purposes and to maintain consistency with how the Professional Engineers and Professional Land Surveyors Acts are cited in Title 16, CCR Section 416. In addition, the following examples of criteria have been added: aiding and abetting any person in a violation (of the Geologist and Geophysicist Act);

crimes or acts arising from or in connection with the practice of professional geology or geophysics; crimes or acts involving dishonesty, fraud, deceit, or theft with the intent to substantially benefit oneself or another or to substantially harm another; crimes or acts involving physical violence.

In addition, terminology was also updated throughout the regulation in order to reflect the current terminology used for a licensee. For example, the word “registration” has been changed to “license.” Also, “professional” and “specialty” have been added in order to reflect the current license titles that are specified in statute. Effective January 1, 2005, with the passage of SB 1914 (Committee on Business and Professions, Chapter 865, Statutes of 2004), the title for a licensed geologist in the State of California changed from Registered Geologist (RG) to Professional Geologist (PG).

POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS OF PROPOSAL

The protection of the public is the utmost interest of the Board. Pursuant to B&P Code sections 6710.1, 7810.1, and 8710.1, the Board’s highest priority is the protection of the public through the administration of its licensing, regulatory, and disciplinary functions. Ultimately the objective of this proposal is to improve the Board’s ability to successfully pursue disciplinary action when necessary. It is also anticipated that the proposed changes will also help applicants, licensees, and the public understand the criterion in which an individual’s criminal convictions may be evaluated.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The proposed changes will not create any additional cost or work for the Board or any other state agency. Currently, the Board has the authority to deny, suspend or revoke a license based on an applicant’s or licensee’s criminal conviction as long as the criminal convictions are substantially related to the

qualifications, functions, and duties of the professions regulated by the Board.

Currently, the language of Title 16, CCR Sections 416 and 3060 indicates that “such crimes or acts shall include, but not be limited to. . .” the examples of crimes that are being added; therefore, the Board can already take action against an applicant or licensee that commits a crime that involves dishonesty, fraud, deceit, theft, physical violence, or substantial/repeated disregard for the health, safety, or welfare of the public. The proposed language defines the Substantial Relationship Criteria for the purposes of clarification and enhancing the Board’s ability to protect the public.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this proposed regulatory action will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The amendments update the Substantial Relationship Criteria language that applies to individual applicants and licensees of the Board. The Board does not license businesses; the Board licenses individuals.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

Impact of Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of the Regulations:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the State government:

The protection of the public is the utmost interest of the Board. Pursuant to B&P Code sections 6710.1, 7810.1, and 8710.1, the Board's highest priority is the protection of the public through the administration of its licensing, regulatory, and disciplinary functions. Ultimately the objective of this proposal is to improve the Board's ability to perform its mission to safeguard the life, health, property, and welfare of the public by improving the Board's ability to successfully pursue disciplinary action when necessary.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative which it considered to the regulation or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which it was proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all of the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, CA 95833.

AVAILABILITY AND LOCATION OF THE FINAL
STATEMENT OF REASONS AND
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Erin LaPerle
Address: 2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263-1848
Fax No.: (916) 263-2246
E-Mail
Address: Erin.LaPerle@dca.ca.gov

The backup contact person is:

Name: Larry Kereszt
Address: 2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone No.: (916) 263-2238
Fax No.: (916) 263-2246
E-mail
Address: Larry.Kereszt@dca.ca.gov

WEBSITE ACCESS

The Board's website is: <http://www.bpelsg.ca.gov/>. Materials regarding this proposal can be found at: <http://www.bpelsg.ca.gov/about-us/rulemaking.shtml>.

**TITLE 16. STRUCTURAL PEST
CONTROL BOARD OF CALIFORNIA**

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board (Board) is proposing to take the action as described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**The San Diego Historic Foundation
2508 Historic Decatur Road,
Hoffman Community Room
San Diego, CA 92106
Thursday, July 10, 2014
9:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m., on Wednesday, July 9, 2014, or must be received by the Board at the hearing. The Board upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 8525 of the Business and Professions Code and to implement, interpret or make specific sections 8564.5, 8593, and 8674 of said code, the Board is considering changes to Section 1948, Division 19 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board currently regulates approximately 18,933 licensees consisting of approximately 3,669 Operators (OPR), 10,058 Field Representatives (FR), and 5,206 Applicators (RA). The Board's highest priority is consumer protection when exercising its licensing, regulatory, and disciplinary functions. One of the ways the Board achieves this goal is by administering examinations to licensure applicants.

The Board has the authority in section 8525, Chapter 14, Division 3 of the Business and Professions Code to amend reasonably necessary rules and regulations related to the practice of pest control.

In January 2013, the Board's examinations were compromised when examination participants misappropriated examination questions. This subversion led to suspension of the examinations until the Board was able to draft a new examination at a cost of \$41,532.

In March 2014, the Board implemented Computer Based Testing (CBT) for examination applicants. This will improve examination security while also allowing more places and times for applicants to take the examination.

The ability to offer uncompromised examinations will help the Board ensure its applicants meet an acceptable level of competency for licensure. This helps the Board achieve its goals of protection of public health and the promotion of worker safety.

Currently, the Board is absorbing the additional costs associated with offering CBT to applicants.

Assembly Bill 1685 (Williams, 2014) will amend Business and Professions Code section 8564.5, 8593, and 8674 to increase the maximum amount the Board can charge applicants to take an examination. AB 1685 is sponsored by the industry and the Board anticipates it will be chaptered and become effective January 1, 2015.

The purpose of this proposal is to amend Section 1948, Division 19, Title 16 of the California Code of Regulations to increase each examination fee by forty dollars (\$40) for Applicators, Field Representatives, and Operators to cover the increased cost associated with Computer Based Testing.

More specifically, the following fees are increased as follows:

Examination Type	Current Fee	Proposed Fee
Operator's Examination	\$25	\$65
Field Representative's Examination	\$10	\$50
Applicator's Examination	\$15	\$55
Operator's Continuing Education Examination	\$25	\$65
Field Representative's Continuing Education Examination	\$10	\$50

Each fee is being increased by \$40 to cover the increased cost of Computer Based Testing.

ANTICIPATED BENEFITS

The benefits of the proposed regulation will be to allow the Board to continue administering Computer Based Testing (CBT). Currently, the Board is paying the increased cost for CBT. However, the Board is only authorized to incur this increased cost through 2014 in anticipation that it can raise the fee in 2015.

CBT significantly lowers the risk of the Board's examinations being compromised which will greatly help the Board ensure its applicants meet an acceptable level of competency for licensure. The reduced risk of the

Board's examinations being compromised will also save money by eliminating the need for the Board to construct new examinations.

Additionally, CBT is substantially more convenient for licensure applicants and their employers or prospective employers. CBT allows the Board to offer seventeen (17) testing locations throughout California as opposed to traditional testing methods which limited the Board to offering only two (2) testing locations once a month. CBT also allows applicants to schedule their examination at a convenient time Monday through Saturday, 8 a.m. to 5 p.m.

Additionally, CBT allows the Board to offer twenty-two (22) testing locations across the United States for licensure applicants who anticipate moving to California.

The ability to offer many testing times and locations throughout the United States allows applicants to choose when and where they want to test. This benefits applicants and businesses by eliminating the delay between when an applicant wants to test and when the test is provided. With CBT, once an applicant is authorized to test, the applicant can choose any available testing time and location as soon as the next day. Providing multiple locations also greatly reduces the travel expenses. With CBT, applicants can choose from thirty-nine (39) testing locations across the United States and California versus the two (2) locations without CBT. CBT also reduces examination subversion costs to the Board.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are not inconsistent or incompatible with existing state regulations. The Board is the only state agency authorized to conduct examinations for licensure in the practice of structural pest control; therefore, the proposed regulations will not conflict with any other regulations concerning the administration of structural pest control examinations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

The Board has made an initial determination that the proposed regulation would not have a significant statewide economic impact affecting businesses, including the ability of California businesses to compete with businesses in other states.

The Board has determined that the following type of businesses may be minimally impacted by the proposed regulation.

- Businesses that pay for their employees or prospective employees to take a licensure examination administered by the Board.

The following reporting, record keeping, or other compliance requirements are projected to result from the proposed action: None.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are:

► Impact on Businesses Who Pay for Their Employees or Prospective Employees to Take Board-Administered Examinations

In Fiscal Year 2012–2013, the Board administered 560 Operator Examinations, 3548 Field Representative examinations, and 2598 Applicator examinations.

The proposed regulation would increase examination fees by \$40 per examination. The Board estimates that it will administer approximately 6,600 examinations per year. The businesses who pay for their employees or prospective employees to take Board-administered examinations will incur these costs. Based on these estimates, the total statewide annual cost to business is expected to be \$264,000.

However, these costs will be substantially mitigated by the Board's ability to offer a multitude of testing locations and dates which relieves the cost of travel, expenses, and overnight accommodations associated with sending applicants to test.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would affect small businesses in the following way:

A small business who pays for their employees or prospective employees to take a Board administered examination would incur an increase in the cost of the examination of \$40 per examination.

However, these costs will be substantially mitigated by the Board's ability to offer a multitude of testing locations which relieves the cost of travel, expenses, and overnight accommodations associated with sending applicants to test.

Additionally, the proposed regulation decreases overall Board costs to re-administer subverted examinations, thus saving unnecessary delays to businesses and applicants while the Board re-writes the examinations.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. The Board made this determination because the examination fee increases and the mitigating benefits associated with it nullify any adverse economic impact and, alternatively, promotes the creation of jobs in California with testing sites throughout the United States.

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

The proposed regulation will allow the Board to continue to offer Computer Based Testing to its licensure applicant population. This will aid the Board in its foremost priority of consumer protection to California residents by allowing the Board to administer rigorous, uncompromised examinations. This ensures that licensure applicants will meet an acceptable standard of competency before being licensed and prior to offering services to members of the public.

This regulatory proposal increases worker safety by ensuring that licensure applicants pass a rigorous, uncompromised examination and meet an acceptable worker safety standard of competency before being licensed in the field of structural pest control.

This regulatory proposal does not affect the state's environment because it is not relevant to the state's environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's office located at, 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815, or by visiting the Board's website at <http://www.pest-board.ca.gov/forms/index.shtml>.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: David Skelton (Administrative Analyst)
 Address: Structural Pest Control Board
 2005 Evergreen Street, Suite 1500
 Sacramento, CA 95815
 Telephone Number: 916-561-8700
 Fax Number: 916-263-2469
 Email Address: david.skelton@dca.ca.gov

The backup contact person is:

Name: Ronni O'Flaherty (Administrative Analyst)
 Address: Structural Pest Control Board
 2005 Evergreen Street, Suite 1500
 Sacramento, CA 95815
 Telephone Number: 916-561-8700
 Fax Number: 916-263-2469
 Email Address: ronni.oflaherty@dca.ca.gov

Website access: Materials regarding this proposal can be found at the Board's website at <http://www.pestboard.ca.gov/forms/index.shtml>.

TITLE 22. EMERGENCY MEDICAL SERVICES AUTHORITY

DIVISION 9. PREHOSPITAL EMERGENCY MEDICAL SERVICES CHAPTER 1.5: FIRST AID AND CPR STANDARDS AND TRAINING FOR PUBLIC SAFETY PERSONNEL

The Emergency Medical Services Authority ("EMSA") proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

EMSA will hold a public hearing on July 7, 2014. The hearing will begin at 2:00 p.m. and end at 4:00 p.m. The location of the public hearing is 10901 Gold Center Drive, Suite 400, Rancho Cordova, CA 95670. EMSA requests that persons making oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the EMSA. Comments may also be submitted by facsimile (FAX) at (916) 324-2875 or by e-mail to lisa.witchey@ems.ca.gov. The written comment period closes at **5:00 p.m. on July 7, 2014**. The EMSA will consider only comments received at the EMSA offices by that time. Submit comments to:

Lisa Witchey, Manager
 EMS Authority
 10901 Gold Center Drive, Suite 400
 Rancho Cordova, CA 95670

AUTHORITY AND REFERENCE

The Health and Safety Code Section 1797.107 authorizes the EMSA to adopt the proposed regulations, which would implement, interpret, or make specific Sections 1797.176, 1797.182, 1797.183, 1797.190, 1797.193, 1797.220, 1798 of the Health and Safety Code and Section 13518 of the Penal Code.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Current law authorizes the EMSA to adopt minimum training standards for first and CPR for statewide public safety personnel including firefighters, lifeguards and peace officers as defined in section 1797.182 and 1797.183 of the Health and Safety Code. Current law also authorizes the EMSA to adopt minimum training standards for refresher training in first aid and CPR for the personnel described above.

The EMSA proposes to amend Chapter 1.5 of Division 9, of Title 22, which was last revised in 2000. This rulemaking action is intended to: Revise the public safety first aid and CPR/AED course content to include tactical first aid topics; Add a basic scope of practice for public safety personnel based upon the required course content; Amend the Optional Skills to include epinephrine or atropine and pralidoxime chloride auto-injectors, naloxone administration, oxygen, hemostatic dressings and oropharyngeal (oral) airways when approved by the local EMS agency medical director, and; Clarify approved courses, required hours of training and approval requirements. These regulations will also clarify authorized skills by adding a scope of practice; offer additional optional training and skills to meet the changing emergency medical needs of the public and public safety personnel to emerging issues such as anaphylaxis, drug overdose and active shooter incident response.

Specific Benefits Anticipated by the Proposed Rulemaking

We believe that this rulemaking will protect the health and safety of the public and enable public safety personnel to provide emergency medical response in a standardized and consistent manner across the state. The addition of a basic first aid scope of practice will provide clarity of authorized skills for public safety personnel to provide first aid response to the public. The addition of optional training and skills will meet the changing emergency medical needs of the public to respond to emerging issues and epidemics such as drug overdoses.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

EMSA has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, EMSA has concluded that these regulations will not cause inconsistency or incompatibility with other existing regulations that concern the first aid and CPR training for public safety personnel.

Results of the Economic Impact Analysis

EMSA concludes that it is (1) unlikely that the proposal will eliminate any jobs for public safety personnel or first aid and CPR training providers, (2) possible that the proposal will create an unknown number of jobs for providers of first aid and CPR courses for public safety personnel, (3) likely that the proposal will create an unknown number of new businesses providing first aid and CPR courses for public safety personnel, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: The proposed regulation will benefit California residents by providing them with first aid and CPR trained public safety personnel who are able to respond to medical emergencies and ensuring that public safety personnel remain current and competent in first aid and CPR practices.

The EMSA has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: There may be a cost to state agencies that offer first aid and CPR training to public safety personnel. The state agency will be required to revise their course materials to be in compliance with the training standards proposed in these regulations. State agencies that may be required to revise their course materials include: Commission on Peace

Officer Standards and Training (POST) and California Department of Forestry and Fire Protection (CAL FIRE), Department of Parks and Recreation (DPR) and California Department of Corrections and Rehabilitation (CDCR).

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.

EMSA has made an initial determination and declares that the proposed amendments to the First Aid and CPR Standards and Training for Public Safety Personnel regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. EMSA has relied on comments submitted during the informal pre-public comment period from representatives of groups that are based in all levels of government (state, county, local) as well as groups representing businesses and institutions that may be affected.

EMSA is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations would require that a course that is based upon the standards of the American Red Cross or American Heart Association is reviewed and approved by the local EMS agency. The local EMS agency may charge a fee to perform the review of course materials and oversee compliance with the requirements of the regulations. It is not estimated that this change will create a significant economic impact. Local EMS agencies currently charge fees for review of more complex and lengthy EMT, Advanced EMT and Paramedic training programs and fees average about \$1000 for initial approval, and are reduced for renewal of the course approval. Therefore, EMSA has determined that the proposed regulations will not significantly affect small business.

Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

EMSA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and

equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Lisa Witchey, Manager
EMS Authority
10901 Gold Center Drive, Suite 400
Rancho Cordova, CA 95670
(916) 431-3707

The backup contact person for these regulations is:

Adam Morrill, Health Program Specialist
EMS Authority
10901 Gold Center Drive, Suite 400
Rancho Cordova, CA 95670
(916) 431-3646

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Lisa Witchey at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The EMSA will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Lisa Witchey at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the EMSA may adopt the proposed regulations substantially as described in this notice. If the EMSA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the EMSA adopts the regulation as revised. Please send requests for copies of the modified regulations to the attention of Lisa Witchey at the address indicated on the previous page. The EMSA will accept written comments on the

modified regulations for 15 days after the date on which they were made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Lisa Witchey at the address listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.emsa.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NO. 2080-2014-007-03

Project: L107/L131 Replacement
(Mission to Vargas) Project
Location: Alameda County
Applicant: Pacific Gas and Electric Company
Background

Pacific Gas and Electric Company (Applicant) proposes to upgrade two existing 22-inch pipelines (L107 and L131) that have been identified as having a high likelihood of movement-initiated failure. The L107 and L31 Replacement (Mission to Vargas) Project (Project) includes combining pipeline L107 and pipeline L131 into a single 36-inch pipeline, spanning 0.84 miles. In addition, the Vargas Station, which currently consists of two small valve areas, will be expanded by 0.54 acres to house one 36-inch and one 24-inch main-line valve, one 24-inch crossover valve, and the above-ground equipment necessary for remote valve operation to increase pipeline safety. A new access road will be created within the station to connect the station to an existing access road off Pico Road. Finally, repairs will be made to a section of L131 that spans Vargas Creek east of Vargas Station so that it can operate safely while L107 is replaced.

The Project is located within an undeveloped area of the northeastern portion of the City of Fremont and im-

mediately to the west of Interstate 680 (I-680). The two existing pipelines to be replaced are parallel to I-680 and cross into the City of Fremont at Mission Boulevard. Vargas Station is located on a hill to the southwest of the Vargas Road exit from I-680. The replacement pipeline will be installed for a 0.84-mile segment between Vargas Station and Mission Boulevard along a new route parallel to the existing alignment. Vargas Station will be modified and expanded at its existing location.

Ground-disturbing activities include: (1) trench excavation along the 0.84-mile new pipeline route, (2) grading of the new 0.54-acre Vargas Station site, (3) temporary staging of equipment, soils and materials at two long-term staging areas, one located at Vargas Station and the other at the western end of the alignment, (4) staging of equipment, soils and materials within a 100-foot wide corridor along the new pipeline route (including the excavation area), (5) minor soil disturbance for repair of the exposed L131 crossing of Vargas Creek, and (6) minor improvements of the existing gravel access road between Vargas Station and Pico Road, and (7) use of access roads to Vargas Station and the L131 crossing of Vargas Creek.

The Project activities described above are expected to incidentally take¹ California tiger salamander (*Ambystoma californiense*; hereafter CTS) a species designated as threatened pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) [Fish & G. Code, § 2050 et seq.]. (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G)). In particular, CTS could be incidentally taken as a result of being crushed by driving of vehicles or equipment, and from becoming crushed or entombed in burrows during ground disturbing and staging activities within the 14.25 acre Project site.

CTS individuals are documented as present within 1.3 miles of the Project site and suitable CTS breeding and upland habitat exists within and adjacent to the Project site. Because of the proximity of the nearest documented CTS, CTS dispersal patterns, and the presence of suitable CTS habitat within the Project site, the United States Fish and Wildlife Service (Service) determined that CTS is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of CTS. According to the Service, the Project will result in the temporary loss of

13,702 acres of upland CTS habitat. Construction of the Project will also result in the permanent loss of 0.54 acres of upland CTS habitat.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the U.S. Army Corps of Engineers (Corps) consulted with the Service as required by the ESA. On April 22, 2014, the Service issued a biological opinion (Service file No. 08ESMF00-201 3-F-0129) (BO) to the Corps. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures.

The BO also requires the Applicant to implement and adhere to measures contained within the Project Biological Assessment (BA).

On April 22, 2014, the Director of the California Department of Fish and Wildlife (CDFW) received a notification from Applicant, requesting a determination pursuant to Fish and Game Code Section 2080.1 that the BO and its related ITS are consistent with CESA for purposes of the Project and CTS. (Cal. Reg. Notice Register 2014, No. 19-Z, p. 898.)

Determination

CDFW has determined that the BO, including the ITS, is consistent with CESA as to the Project and the anticipated incidental take of CTS because the mitigation measures contained in the BO, including the ITS, as well as the conditions in the BA, meet the conditions set forth in Fish and Game Code Section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that (1) take of CTS will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the BO, including the ITS, and BA will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of CTS. The mitigation measures in the BO and BA, including the ITS, include but are not limited to, the following:

Avoidance Minimization, and Mitigation Measures

- The Applicant will flag the construction boundaries and access areas and will maintain the flagging through construction activities prior to ground-disturbing activities.
- Applicant will limit site disturbance for construction and access and implement specific protections for sensitive areas containing potentially suitable habitat for CTS. Measures limiting site disturbance include installing protective fencing for sites immediately adjacent

¹ Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 CAL.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), 'take' . . . means to catch, capture or kill").

to construction activities and using flagging to identify avoidance areas along access roads.

- A Service/CDFW–approved biologist shall supervise the installation and necessary maintenance of Service/CDFW–approved wildlife fencing in project areas subject to greater than 72 hours of disturbance.
- Applicant shall ensure at the end of each workday that open excavations are equipped with ramps to allow wildlife to exit or will be covered. The Service/CDFW–approved biologist will check excavations prior to the start of work each morning and prior to covering at the end of the day. Applicant will cap all pipes or similar structures more than 4 inches in diameter prior to storage or inspected for wildlife before the pipe is used or moved in any way.
- Applicant will not conduct Project activities when rainfall occurs at rates greater than 0.25 inches within 24 hours or during the first 48 hours following rain events, or between one half–hour before sunset and one half–hour after sunrise if there has been any level of precipitation during the previous 24 hours.
- Applicant shall stockpile material within permitted work limits only, such that direct effects to CTS are avoided.
- A Service/CDFW–approved biologist will survey the work site immediately prior construction activities, during excavation, and continue for at least 30 minutes following the initial ground disturbance. If CTS are present, the Service/CDFW–approved biologist will contact the Service and CDFW.
- The Applicant shall develop a Site Restoration Plan (SRP) prior to initiating Project activity and implement it to revegetate and restore temporarily disturbed annual grassland habitat within the Project area. The SRP will ensure: (1) recontouring and seeding of temporary impact areas shall occur prior to October 31 of each year where the impacts occur; and (2) the Applicant will monitor all temporary impact areas until these sites achieve 70 percent cover of pre–Project conditions. Restoration efforts will include contour restoration, slope stabilization, drainage bank stabilization, control of invasive weeds, and reestablishment of appropriate vegetation.
- The Applicant will not plant, seed or otherwise introduce invasive exotic plant species. Prohibited exotic plant species include those identified in the

California Exotic Pest Plant Council accessible at: <http://www.cal-ipc.org/paf/>.

Monitoring and Reporting Measures

- The Service/CDFW–approved biologist will be responsible for monitoring project activities to minimize or avoid take of CTS.
- The Applicant or its contractors will immediately notify the Service/CDFW–approved biologist if a CTS is taken or injured by a project–related activity, or if a CTS is otherwise found dead or injured within the vicinity of the project. The Service/CDFW–approved biologist will notify the Service and CDFW. Notification to the Service and CDFW shall include information regarding the location, species, and number of animals taken or injured. Following initial notification the Applicant shall send the Service and CDFW a written report within two calendar days. The report shall include the date and time of the finding or incident, location of the animal or carcass, and if possible provide a photograph, explanation as to cause of take or injury, and any other pertinent information.
- If an injured CTS is found during the Project term, the injured CTS shall be evaluated by the Service/CDFW–approved biologist who shall then immediately contact the Service and CDFW, via email and telephone, to discuss the next steps. If the injury is minor or healing and the CTS is likely to survive, the Service/CDFW–approved biologist shall relocate the CTS to an active rodent burrow or burrow system no more than 300 feet outside of the work area (unless otherwise approved by the Service and CDFW in writing).
- If it is determined that a CTS has major or serious injuries as a result of Project–related activities, the Service/CDFW–approved biologist shall immediately take the CTS to the Lindsay Wildlife Museum or another Service/CDFW approved facility. The Applicant shall bear any costs associated with the care or treatment of such injured CTS. The circumstances of the injury, the procedure followed and the final disposition of the injured CTS shall be documented in a written incident report.

Financial Assurances

- To compensate for Project impacts to CTS and CTS habitats, the Applicant will purchase credits at a ratio of 3:1 for permanent impacts (0.54 acres) and at a ratio of 1:1 for temporary impacts (13.702 acres), for a total of 15.322 acres of credit purchased.

- Prior to initiating Project activities, Applicant will provide CDFW with a form of performance security, approved in advance in writing, in the amount of \$759,817, which is the estimated cost to purchase 15.322 acres of credit from a Service/CDFW–approved mitigation bank and is comprised of:
 - a. \$162,259 that is required to restore temporary impacts to 13.702 acres of CTS habitat at a ratio of 1:1, and
 - b. \$597,558 that is required to restore permanent impacts to 0.54 acres at a ratio 3:1 for a total of 1.62 acres of mitigation credits purchased at a Service/CDFW–approved mitigation bank.

Pursuant to Fish and Game Code Section 2080.1, take authorization under CESA is not required for the Project for incidental take of CTS, provided the Applicant implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the BO and the BA, including the ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO, ITS, or BA, the Applicant shall obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)).

Date: 5–12–14

By: /s/

Sandra Morey, Deputy Director
Ecosystem Conservation Division
California Department of Fish and Wildlife

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

NOTICE OF PUBLIC COMMENT PERIOD FOR PROPOSED CONSENT DECREE

PUBLIC COMMENT PERIOD:

May 23, 2014 to June 23, 2014

WHAT IS BEING PROPOSED — The Department of Toxic Substances Control (DTSC) invites the public to review and comment on a proposed Consent Decree entered into with William D. Morrison as an individual and as trustee for the William D. Morrison Trust (“Mr. Morrison”), regarding the Renu Plating Company, Inc. Site, located at 1527 and 1531 East 32nd Street, Los Angeles, California (“Site”). On April 30,

2014, DTSC lodged the proposed Consent Decree in *Department of Toxic Substances Control v. Renu Plating Inc.*, Case No. CV13–01508–R (CWx), with the United States District Court for the Central District of California. The proposed Consent Decree resolves DTSC’s claims against Mr. Morrison under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. section 9601 et seq., in connection with the Site. Mr. Morrison owned a portion of the property where the Site is located from approximately 1986 to 2000, and was named as one of the defendants in DTSC’s CERCLA lawsuit filed to recover DTSC’s costs of investigating and cleaning up releases of hazardous substances at the Site.

Under the proposed Consent Decree, Mr. Morrison will pay \$20,000 to reimburse DTSC for a portion of DTSC’s past response costs incurred at the Site, subject to certain conditions and reservations. The proposed Consent Decree provides that Mr. Morrison is entitled to contribution protection as provided by CERCLA and state law. After the 30–day public comment period ends, DTSC intends to file a motion for judicial approval of the proposed Consent Decree.

HOW CAN I GET INVOLVED? — DTSC will consider public comments on the proposed Consent Decree that are postmarked or received by June 23, 2014. **Comments should include the phrase “Renu Plating Company CD Comments” in the subject line of your letter or e–mail.** DTSC may withdraw its consent to the proposed Consent Decree if it receives comments that disclose facts or considerations that indicate the proposed Consent Decree is inappropriate, improper, or inadequate. Comments should be addressed to:

Rania Zabaneh
DTSC Project Manager
5796 Corporate Avenue
Cypress, California 90630
Rania.Zabaneh@dtsc.ca.gov

WHERE DO I GET INFORMATION? A hard copy of the proposed Consent Decree is also available from the DTSC Cypress Office by written request to Rania Zabaneh sent to the address or to the email above or to fax at (714) 484–5438. The proposed Consent Decree and other documents related to the Site are available at the following location:

DTSC Regional Records Office File Room
5796 Corporate Avenue,
Cypress, California 90630
Phone: (714) 484–5337 (By appointment only,
Monday Friday, 8 a.m. to 5 p.m.)

Documents are also online at DTSC’s website: http://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19340643

FOR ADDITIONAL INFORMATION: If you have any questions or wish to discuss the Consent Decree please contact:

Rania Zabaneh, Project Manager
(714) 484-5479 or Rania.Zabaneh@dtsc.ca.gov or

Mary Sue Maurer, Public Participation Specialist
(818) 717-6566 or mary.maurer@dtsc.ca.gov

RULEMAKING PETITION DECISION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

California Code of Regulations Title 15, Crime Prevention and Corrections Division 3, Adult Institutions, Programs and Parole

PETITIONERS

Hakim Ali-Akbar, (P-85158)
Anthony Torres, (K-59800)

AUTHORITY

The authority granted by Government Code (GC) § 12838.5 vests to the California Department of Corrections and Rehabilitation (CDCR) all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished Youth and Adult Correctional Agency, California Department of Corrections, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Penal Code (PC) § 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections refers to the Secretary of the CDCR. PC § 5054 vests with the Secretary of the CDCR the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein. PC § 5055 provides that commencing July 1, 2005, all powers/duties previously granted to and imposed upon the CDC shall be exercised by the Secretary of the CDCR. PC § 5058 provides that the Di-

rector may prescribe and amend regulations for the administration of prisons.

CONTACT PERSON

Please direct any inquiries regarding this action to Meg Webber, Office of Victim and Survivor Rights and Services, or to Timothy M. Lockwood, Chief, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioners contend that California Code of Regulations (CCR), Title 15, Division 3, Section 3097, Inmate Restitution Fine and Direct Order Collections, as promulgated by the CDCR through the Administrative Procedure Act, is illegal and fraudulent, and it is not harmonious with the legislative intent in the Victims Bill of Rights for restitution, Art. 1, § 28, et seq., as incorporated in PC Title 8, Chapter 1 § 1202.4 et seq. Petitioners contend that the legislative intent is to make those convicted of the crime culpable, by working off the said fine through their own sweat, and in the process rehabilitate themselves for the future chance of parole. Petitioners are both in the Security Housing Unit (SHU), and therefore have no means to earn financial capital because they are unable to have a job or any earning capacity due to their SHU status. Petitioners' family send them money so that they can purchase items from the canteen, such as personal hygiene items, etc; however, due to the language in CCR, Section 3097, monies are deducted from the inmate's trust account "regardless of the source of such income." This means that the inmates' families end up paying the restitution, and it gives the inmate a free ride from having to pay their victims. Petitioners feel CDCR adopted the language because CDCR failed to provide pay number jobs for lifers. In addition, petitioners contend that Section 3097 imposes a greater collection amount than what the law permits as authorized in PC 2085.5, as PC 2085.5 permits only a 50% restitution deduction, but CDCR has written a 55% restitution deduction. Petitioners state the regulation prevents them from maintaining personal hygiene, or purchasing canteen items. Petitioners feel the regulations are illegal and fraudulent, and feel that all funds collected by CDCR for this purpose should be returned to them.

DEPARTMENT DECISION

The Secretary of the CDCR declines the petition in its entirety.

The petitioners in this matter consistently refer to PC 5057 in their Petition for Repeal, which is the penal code that allows for the establishment of an inmate banking system. However, the Penal Code that governs the *withdrawal* of funds from trust accounts is PC 2085.5.

The language contained in the California Code of Regulations (CCR), Title 15, Division 3, Section 3097, Inmate Restitution Fine and Direct Order Collections, is in compliance with clearly established legislative authority granted under Penal Code 2085.5, which states, in part:

(a) *In any case in which a prisoner owes a restitution fine imposed pursuant to subdivision (a) of Section 13967 of the Government Code, as operative prior to September 28, 1994, subdivision (b) of Section 730.6 of the Welfare and Institutions Code, or subdivision (b) of Section 1202.4, the Secretary of the Department of Corrections and Rehabilitation shall deduct a minimum of 20 percent or the balance owing on the fine amount, whichever is less, up to a maximum of 50 percent from the wages and trust account deposits of a prisoner, unless prohibited by federal law, and shall transfer that amount to the California Victim Compensation and Government Claims Board for deposit in the Restitution Fund in the State Treasury.*

The petitioners' contention that the language in Section 3097 is illegal, fraudulent, and not aligned with legislative intent is simply not supported by the facts. Regulations are a byproduct of law, and Penal Code 2085.5 clearly states the intention of the legislature to include all trust account deposits as a means of collecting restitution from offenders in order to satisfy their financial obligations to victims. If petitioners do not wish family and friends to be responsible for their court-ordered financial obligations, the simple remedy is for family and friends to stop sending money to the petitioner's trust accounts.

The petitioners also contend that Section 3097 imposes a greater collection amount than what the law permits. Again, we can refer to PC 2085.5, which states, in part:

(c) *The Secretary shall deduct and retain from the wages and trust account deposits of a prisoner, unless prohibited by federal law, an administrative fee that totals 10 percent of any amount transferred to the California Victim Compensation and Government Claims Board pursuant to subdivision (a) or (b).*

PC 2085.5 mandates a 50% deduction of wages and trust account deposits *toward a restitution obligation*, and also authorizes a 10% administrative fee for the Department's operating costs. The operative statutory language is that the *administrative fee of 10% is charged on the amount transferred to the California Victim Compensation and Government Claims Board (VCGCB)*, which results in a net 55% deduction from inmate trust accounts, as shown here:

Trust Account	
Deposit	\$100.00
Less Deduction for Restitution Obligations	\$ 50.00 (amount transferred to VCGCB)

Less 10% Administrative Fee on amount transferred	<u>\$ 5.00</u>
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Net Deposit to Inmate Trust Account **\$ 45.00**

Again, petitioner's contention that CDCR adopted language in Section 3097 that is in violation of legislative intent or authority is not supported by the facts. The authority granted to CDCR to make withdrawals from prison trust accounts is clearly stated in Penal Code 2085.5 and is the governing statute for the agency in these matters.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2014-0407-02
BOARD OF EQUALIZATION
Permits

The State Board of Equalization amended section 1699 of title 18 of the California Code of Regulations to implement Revenue and Taxation Code section 6070.5, which provides that the board may refuse to issue a per-

mit to any person submitting an application for a permit to engage in or conduct business as a seller within this state if the person has an outstanding final liability with the board.

Title 18
California Code of Regulations
AMEND: 1699
Filed 05/13/2014
Effective 07/01/2014
Agency Contact:
Richard E. Bennion (916) 445-2130

File# 2014-0501-02
CALIFORNIA HEALTH BENEFIT EXCHANGE
Enrollment Assistance

This is the final re-adoption of emergency rulemaking action numbers 2013-0705-01E and 2014-0129-01EE by the California Health Benefit Exchange. This action establishes the Enrollment Assistance program (Program) within title 10 of the California Code of Regulations, and includes eligibility standards, application requirements, and other guidelines for individuals and entities to participate in the Program. These regulations also establish eligibility requirements for the Navigator program and incorporate the Request for Application form by reference.

Title 10
California Code of Regulations
ADOPT: 6650, 6652, 6654, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670
Filed 05/12/2014
Effective 05/12/2014
Agency Contact: Michael Schaps (916) 228-8331

File# 2014-0402-05
CALIFORNIA HORSE RACING BOARD
Jockey's Riding Fees

The California Horse Racing Board amended section 1632 of title 4 of the California Code of Regulations as a change without regulatory effect to conform to newly adopted Business and Professions Code section 19502 which provides that no portion of an entry, nomination, or other fee paid by an owner shall be deducted from a jockey riding fee unless the entry, nomination, or other fee is paid exclusively by the owner and not reimbursed by any other person or entity.

Title 4
California Code of Regulations
AMEND: 1632
Filed 05/12/2014
Agency Contact: Leeland Turner (916) 263-6026

File# 2014-0501-04
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Milestone Completion Credits for Enhanced Outpatient Program Inmates

This regulatory action includes Enhanced Outpatient Program (EOP) in the Milestone Completion Credit Schedule.

Title 15
California Code of Regulations
AMEND: 3043
Filed 05/12/2014
Effective 05/12/2014
Agency Contact: Gail Long (916) 445-2276

File# 2014-0404-02
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Reentry Hubs

The Department of Corrections and Rehabilitation submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file no. 2013-1016-02EON. The emergency rulemaking amended sections of Title 15 of the California Code of Regulations to establish Reentry Hubs. These amendments are a continuation of the implementation of AB 109, the Public Safety Realignment Act.

Title 15
California Code of Regulations
AMEND: 3000, 3040, 3040.1, 3041, 3041.3, 3043, 3043.5, 3043.6, 3044, 3046, 3074.3, 3075.1, 3077.1, 3078.4, 3170.1, 3190, 3375.2, 3375.4, 3375.5, 3375.6, 3376, 3379, 3383
Filed 05/14/2014
Effective 05/14/2014
Agency Contact: Josh Jugum (916) 445-2228

File# 2014-0402-03
DEPARTMENT OF FOOD AND AGRICULTURE
Equine Medication Monitoring Program

This rulemaking action by the Department of Food and Agriculture certifies emergency action no. 2013-1125-03E, which amended the regulations governing the Equine Medication Monitoring Program (EMMP). These regulations will align with those of the United States Equine Federation (USEF), the national governing body for equestrian sports, which were recently amended to strengthen USEF's random drug testing standards. The amended rules include a new list of approved therapeutic medications and maximum detectable plasma levels, acceptable time frames for injection of medications, specific penalties for violation of the rules, and incorporation by reference of various forms.

Title 3
California Code of Regulations
ADOPT: 1280, 1280.1, 1280.8, 1280.10 AMEND:
1280.7
Filed 05/14/2014
Effective 05/14/2014
Agency Contact: Nancy Grillo (916) 900-5033

File# 2014-0424-08
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Eradication Area

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2013-1106-02E) that established Mendocino County as an additional eradication area with respect to the light brown apple moth ("Epiphyas postvittana"), LBAM, due to recent findings of the pest. The effect of the amendment to section 3591.20(a) is to provide authority to the State to perform eradication activities against the LBAM in Mendocino County.

Title 3
California Code of Regulations
AMEND: 3591.20(a)
Filed 05/12/2014
Effective 05/12/2014
Agency Contact: Stephen S. Brown (916) 654-1017

File# 2014-0418-04
DEPARTMENT OF INDUSTRIAL RELATIONS
Process Safety Management Program Assessment

This Certificate of Compliance establishes the Annual Process Safety Management Program Assessment. (Previous OAL file ## 2013-1021-01E).

Title 8
California Code of Regulations
ADOPT: 344.76, 344.77
Filed 05/14/2014
Effective 05/14/2014
Agency Contact: James M. Robbins (510) 286-0544

File# 2014-0325-05
DEPARTMENT OF INSURANCE
Changes to the California Auto Assigned Risk Plan Plan of Operations

This action by the Department of Insurance amends section 2498.4.9 of Title 10 of the California Code of Regulations and sections 3, 14, 19, 20, 23, 27, 28, 41, 46, 60, and 61 and the Preface to the Appendix for the Plan of Operations for the California Automobile Assigned Risk Plan pursuant to Insurance Code section 11620.

Title 10
California Code of Regulations
AMEND: 2498.4.9
Filed 05/07/2014
Effective 05/07/2014
Agency Contact: Mike Riordan (415) 538-4226

File# 2014-0328-01
DEPARTMENT OF MANAGED HEALTH CARE
Clean Up of Title 28

This rulemaking action amends sections of Title 28 of the California Code of Regulations so as to, among other things, enable ambulance service plans to contract for ambulance services to persons who do not live or work within the plan's service area but who will be in the service area temporarily.

Title 28
California Code of Regulations
AMEND: 1300.43.3, 1300.65, 1300.71, 1300.80.10
Filed 05/07/2014
Effective 07/01/2014
Agency Contact: Jennifer Willis (916) 324-9014

File# 2014-0402-01
FRANCHISE TAX BOARD
LLC Fees

This rulemaking action by the Franchise Tax Board (Board) adopts new section 17942 in Title 18, Division 3, Chapter 2.5, new subchapter 10.6. This new section is intended to provide rules for determining the appropriate annual fee amount payable by Limited Liability Companies doing business in California.

Title 18
California Code of Regulations
ADOPT: 17942
Filed 05/14/2014
Effective 07/01/2014
Agency Contact: Colleen Berwick (916) 845-3306

File# 2014-0422-01
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Chemicals Required By State or Federal Law To Have Been Tested For Potential To Cause Cancer or Reproductive Toxicity, But Which Have Not Been Adequately Tested As Required

This action amends the list of chemicals required by state or federal law to have been tested for the potential to cause cancer or reproductive toxicity, but which have not been adequately tested. This action is exempt from review by the Office of Administrative Law pursuant to Health and Safety Code section 25249.8.

Title 27
California Code of Regulations
AMEND: 27000
Filed 05/13/2014
Effective 05/13/2014
Agency Contact: Cynthia Oshita (916) 322-2068

File# 2014-0325-01
STATE WATER RESOURCES CONTROL BOARD
Lower Salinas River & Reclamation Canal Basin
Nutrient TMDLs

The State Water Resources Control Board (Board) submitted this Government Code section 11353 action to provide a concise summary of a basin plan amendment adopted by the Central Coast Regional Water Quality Control Board on March 14, 2013 in Resolution No. R3-2013-0008. The basin plan amendment was approved by Board on February 4, 2014 in Resolution No. 2014-0008. The concise summary of the basin plan amendment will be added to title 23 of the California Code of Regulations in new section 3929.10. The basin plan amendment establishes total maximum daily loads and an implementation plan for nitrate, nitrogen, unionized ammonia, orthophosphate, dissolved oxygen, chlorophyll a, and microcystins impairing a number of beneficial uses in the lower Salinas River and Reclamation Canal Basin and the Moro Cojo Slough Subwatershed.

Title 23
California Code of Regulations
ADOPT: 3929.10
Filed 05/07/2014
Agency Contact:
Peter Osmolovsky (805) 543-3699

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN December 11, 2013 TO
May 14, 2014**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

05/01/14 ADOPT: 18706.1 AMEND: 18706
05/01/14 AMEND: 18950.1
05/01/14 AMEND: 18705.2 REPEAL: 18704.2

04/30/14 AMEND: 18704
04/30/14 AMEND: 18707.9
04/16/14 ADOPT: 599.760.1 AMEND: 599.757,
599.759, 599.761, 599.768, 599.769
REPEAL: 599.755, 599.760, 599.764,
599.765, 599.766, 599.767
03/10/14 AMEND: 1900, 2002, 2003
03/05/14 ADOPT: 630, 632.5, 632.11 AMEND:
631, 631.5, 632, 632.6, 632.7, 632.8,
632.9, 632.10 REPEAL: 632.5, 632.11
02/10/14 AMEND: 58000
01/27/14 AMEND: 56800
01/21/14 AMEND: 1194
01/13/14 AMEND: 55300
12/23/13 ADOPT: 18950.2 AMEND: 18942,
18944, 18950, 18950.1, 18950.4
REPEAL: 18727.5, 18950.3
12/23/13 AMEND: 18351

Title 3

05/14/14 ADOPT: 1280, 1280.1, 1280.8, 1280.10
AMEND: 1280.7
05/12/14 AMEND: 3591.20(a)
04/24/14 AMEND: 3435(b)
04/04/14 AMEND: 3435(b)
03/19/14 AMEND: 3406(b)
03/18/14 ADOPT: 6471 AMEND: 6000, 6400
03/18/14 AMEND: 3423(b)
03/10/14 AMEND: 3589(a)
03/05/14 ADOPT: 1358.3
02/26/14 AMEND: 3434(b)(c)(d)
02/25/14 AMEND: 3417(b)
02/25/14 AMEND: 3700(b)
02/20/14 AMEND: 3423(b)
02/20/14 AMEND: 3701, 3701.1, 3701.2, 3701.3,
3701.4, 3701.5, 3701.6, 3701.7, 3701.8
02/12/14 AMEND: 3700(c)
02/10/14 AMEND: 3435(b)
02/05/14 AMEND: 3435(b)
01/27/14 AMEND: 3406(b)
01/23/14 AMEND: 3591.11
01/14/14 ADOPT: 1392.13
01/09/14 AMEND: 1300, 1300.1, 1300.3,
1300.11, 1300.12, 1300.13, 1300.14,
1300.15 REPEAL: 1300.2, 1300.4
12/16/13 AMEND: 3591.12(a) & (b)

Title 4

05/12/14 AMEND: 1632
04/07/14 AMEND: 1656, 1658
04/03/14 AMEND: 10030, 10031, 10032, 10033,
10034, 10035, 10036
04/02/14 AMEND: 2066
03/28/14 AMEND: 10302, 10305, 10315, 10317, 10
320, 10322, 10325, 10326, 10327, 10328,
10337

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 21-Z

03/24/14	ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15	05/05/14	AMEND: 1529, 1532, 1532.1, 1532.2, 1535, 3204, 5150, 5157, 5161, 5189, 5190, 5191, 5192, 5194, 5197, 5198, 5200, 5201, 5202, 5206, 5207, 5208, 5208.1, 5209, 5210, 5211, 5212, 5213, 5214, 5215, 5217, 5218, 5219, 5220, 8358, 8359
03/11/14	ADOPT: 1927.1		
03/10/14	ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087	05/05/14	ADOPT: 1929 AMEND: 1504, 1930, 1931, 1932, 1934, 1935, 1936, 5154, 5191, 5194, 5415, 5417, 5449, 5451, 5531, 5532, 5533, 5534, 5535, 5537, 5538, 5541, 5542, 5543, 5545, 5546, 5547, 5549, 5555, 5556, 5558, 5560, 5566, 5568, 5569, 5570, 5573, 5574, 5575, 5576, 5577, 5578, 5579, 5580, 5583, 5585.1, 5589, 5590, 5592, 5593, 5594, 5595, 5596, 5597, 5598, 5599, 5601, 5602, 5606, 5607, 5608, 5616, 5617, 5618, 5619, 5620, 5621, 5622, 5624
02/03/14	ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24		
01/21/14	ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15	04/28/14	AMEND: 2940.2, 2940.7, 8602, 8610, 8611, 8615
12/26/13	ADOPT: 8034(d)	04/16/14	AMEND: 10205.14 REPEAL: 9788.01, 9788.1, 9788.11, 9788.2, 9788.3, 9788.31, 9788.32, 9788.4, 9788.45, 9788.5, 9788.6, 9788.7, 9788.8, 9788.9, 9788.91
12/24/13	AMEND: 8070, 8072	04/14/14	AMEND: 3650
12/23/13	AMEND: 5000, 5170, 5190, 5205, 5212, 5230, 5250	04/14/14	AMEND: 5001
12/19/13	AMEND: 10325	04/09/14	AMEND: 1619.1(b)
Title 5		04/03/14	AMEND: 4355
05/05/14	ADOPT: 14037, 14038, 14039, 14040, 14041, 14042	04/01/14	AMEND: 1520, 3384
05/05/14	ADOPT: 3051.19, 3051.20, 3051.21, 3051.22, 3051.23, 3051.24 AMEND: 3001, 3023, 3025, 3029, 3030, 3031, 3040, 3043, 3051, 3051.1, 3051.2, 3051.3, 4, 3051.5, 3051.6, 3051.7, 3051.75, 3051.8, 3051.9, 3051.10, 3051.11, 3051.12, 3051.13, 3051.14, 3051.15, 3051.16, 3051.17, 3051.18, 3060, 3061, 3064, 3065, 3068, 3083, 3084, 3088 REPEAL: 3054	02/12/14	ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9 AMEND: 9785, 9792.6, 9792.7, 9792.9, 9792.10, 9792.11, 9792.12, 9792.15
04/15/14	AMEND: 70020	02/12/14	ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795
04/01/14	AMEND: 80303	02/12/14	AMEND: 9780, 9780.1, 9783, 9783.1, 9785
04/01/14	ADOPT: 15498, 15498.1, 15498.2, 15498.3	02/05/14	AMEND: 10133.32, 10133.33, 10133.35, 10133.36
02/28/14	ADOPT: 19843, 19844, 19848, 19849, 19855 AMEND: 19815, 19816, 19816.1, 19817.2, 19819, 19820, 19824, 19828.4, 19840, 19845.2, 19850, 19851, 19852, 19853 REPEAL: 19839	01/21/14	AMEND: 334
02/13/14	ADOPT: 80033	01/21/14	AMEND: 344, 344.1
02/06/14	ADOPT: 15494, 15495, 15496, 15497	01/09/14	AMEND: 8495, 8496, 8497, 8500
02/05/14	ADOPT: 80691, 80692	01/09/14	AMEND: 5155
02/03/14	AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864 REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868	01/07/14	AMEND: 4297
01/23/14	AMEND: 22000		
Title 7			
02/27/14	AMEND: 213		
Title 8			
05/14/14	ADOPT: 344.76, 344.77		

12/26/13 AMEND: 9789.12.2, 9789.12.3, 9789.12.4, 9789.12.8, 9789.19

12/16/13 ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208, 10208.1
AMEND: 10205, 10205.12

Title 9

01/28/14 ADOPT: 7005.5 AMEND: 7005
REPEAL: 7144, 7145, 7146, 7147

01/14/14 AMEND: 7214.1, 7220.7, 7227.2

Title 10

05/12/14 ADOPT: 6650, 6652, 6654, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670

05/07/14 AMEND: 2498.4.9

04/29/14 AMEND: 2509.1, 2509.3, 2509.4, 2509.5, 2509.6, 2509.7, 2509.8, 2509.9, 2509.10, 2509.11, 2509.12, 2509.13, 2509.14, 2509.15, 2509.16, 2509.17, 2509.18, 2509.19, 2509.20

04/28/14 AMEND: 2498.6

04/23/14 AMEND: 3541, 3568

04/23/14 AMEND: 2498.5

04/21/14 ADOPT: 2907.1, 2907.2, 2907.3, 2907.4

04/10/14 ADOPT: 2562.1, 2562.2, 2562.3, 2562.4

04/01/14 ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718

04/01/14 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620

04/01/14 ADOPT: 6800, 6802, 6804, 6806

04/01/14 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538

03/25/14 ADOPT: 6456

03/17/14 ADOPT: 6458

03/10/14 ADOPT: 6424, 6440

03/06/14 ADOPT: 6420, 6422

02/25/14 ADOPT: 2218.30

02/24/14 ADOPT: 2594, 2594.1, 2594.2, 2594.3, 2594.4, 2594.5, 2594.6, 2594.7

02/20/14 ADOPT: 8000, 8010, 8020, 8030, 8040, 8050, 8060, 8070

02/11/14 AMEND: 3500, 3523, 3525, 3527, 3528, 3529, 3530, 3541, 3542, 3543, 3561, 3563, 3565, 3568, 3569, 3570, 3571, 3575, 3576, 3577, 3581, 3582, 3601, 3602, 3603, 3621, 3661, 3662, 3663, 3664, 3665, 3666, 3668, 3681, 3702, 3704, 3721, 3723, 3724, 3725, 3726, 3728, 3729, 3730, 3732, 3741, 3761

02/10/14 ADOPT: 6650, 6652, 6654, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670

01/28/14 AMEND: 2318.6, 2353.1

01/28/14 AMEND: 2318.6, 2353.1, 2354

01/24/14 ADOPT: 217, 217.5, 217.10, 217.15, 217.20, 217.25, 217.30, 217.35, 217.40, 217.45 AMEND: 202, 216, 218, 219, 221
REPEAL: 217

01/07/14 ADOPT: 1430 AMEND: 260.210, 260.211, 260.211.1, 260.231, 1422, 1422.7, 1423, 1581, 1582, 1805.204, 1950.122.8

12/30/13 AMEND: 260.237

12/27/13 AMEND: 2699.100, 2699.200, 2699.201, 2699.205, 2699.207, 2699.209, 2699.210, 2699.400
REPEAL: 2699.202, 2699.208, 2699.211

12/24/13 ADOPT: 2598.3(b), 2598.3(c)

12/23/13 ADOPT: 6456

12/19/13 AMEND: 2698.200

12/19/13 AMEND: 2698.602

Title 11

02/27/14 AMEND: 20

02/19/14 AMEND: 999.10

01/14/14 AMEND: 1015(c)

12/26/13 ADOPT: 4200, 4210, 4220, 4230, 4240

12/18/13 AMEND: 4001, 4002

12/12/13 AMEND: 1001, 1005, 1006, 1007, 1008, 1055, 1070, 1071, 1950

12/12/13 AMEND: 44.3

12/12/13 ADOPT: 51.28

Title 13

05/01/14 AMEND: 125.02

03/13/14 AMEND: 1239

02/24/14 AMEND: 1

02/24/14 AMEND: 553.70

12/30/13 AMEND: 423.00

12/16/13 AMEND: 2262.9, 2263, 2282

Title 14

04/30/14 AMEND: 27.80

04/11/14 AMEND: 3550.15

04/07/14 AMEND: 790, 820.01

04/01/14 AMEND: 27.80

03/26/14 AMEND: 916.9(g)(2)(A), 936.9(g)(2)(A), 956.9(g)(2)(A)

03/25/14 ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307

03/24/14 AMEND: 228(a)

03/18/14 AMEND: 601, 702(a)(1)

02/19/14 AMEND: 7.00, 7.50, 8.00

02/10/14 AMEND: 701

02/06/14 AMEND: 1665.6(b)
 01/21/14 AMEND: 7.50
 01/16/14 ADOPT: 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117
 01/14/14 AMEND: 165, 165.5
 01/13/14 ADOPT: 4000
 01/13/14 ADOPT: 2830, 2831, 2831.1, 2831.2, 2831.3, 2831.4, 2831.5, 2832, 2833, 2834, 2835 AMEND: 2000, 2085, 2501
 12/26/13 AMEND: 228(a)
 12/30/13 ADOPT: 1761, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1783.4, 1788
 12/23/13 AMEND: 5.79, 27.92
 12/20/13 ADOPT: 2012 AMEND: 2010, 2015, 2030, 2040, 2045, 2405, 2505
 12/19/13 AMEND: 705
 12/19/13 AMEND: 790, 818.02, 825.03, 827.02
 12/17/13 AMEND: 2530, 2535

Title 15

05/14/14 AMEND: 3000, 3040, 3040.1, 3041, 3041.3, 3043, 3043.5, 3043.6, 3044, 3046, 3074.3, 3075.1, 3077.1, 3078.4, 3170.1, 3190, 3375.2, 3375.4, 3375.5, 3375.6, 3376, 3379, 3383
 05/12/14 AMEND: 3043
 04/21/14 REPEAL: 3999.12
 03/28/14 ADOPT: 3999.17
 03/24/14 AMEND: 3044, 3190, 3282, 3335
 03/18/14 AMEND: 3290, 3315
 02/11/14 ADOPT: 3999.15
 02/11/14 ADOPT: 3999.16
 02/06/14 ADOPT: 3750, 3751, 3752, 3753, 3754, 3756, 3760, 3761, 3761.1, 3762, 3763, 3764, 3765, 3766 AMEND: 3000, 3075.2, 3768.2, 3768.3
 01/23/14 AMEND: 3000, 3075
 01/15/14 REPEAL: 3999.9
 01/09/14 ADOPT: 1712.2, 1714.2, 1730.2, 1740.2 AMEND: 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730, 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
 01/08/14 AMEND: 3044, 3190, 3315
 01/08/14 AMEND: 3000, 3006, 3084.7, 3165, 3176, 3177, 3294.5, 3310, 3315, 3352, 3376, 3376.1, 3377.1, 3379, 3426, 3430, 3434

Title 16

05/05/14 AMEND: 120
 04/24/14 AMEND: 1495.1, 1495.2

04/23/14 AMEND: 940
 04/22/14 AMEND: 1419(c)
 04/21/14 AMEND: 1508.1
 04/14/14 AMEND: 1749
 02/24/14 ADOPT: 1762 AMEND: 1745, 1769
 02/19/14 AMEND: 1021
 01/17/14 AMEND: 475, 476, 3065
 01/16/14 ADOPT: 1138
 01/13/14 AMEND: 70
 01/07/14 AMEND: 1524
 01/07/14 ADOPT: 1018.01 AMEND: 1018
 12/31/13 ADOPT: 4172
 12/23/13 ADOPT: 4128 AMEND: 4122, 4130
 12/18/13 ADOPT: 5.5, 18, 19, 20, 21, 22 AMEND: 21 (renumbered to 36.1), 26, 98

Title 17

05/05/14 AMEND: 6050, 6051, 6070
 04/16/14 AMEND: 1230, 2641.57
 04/16/14 AMEND: 54342
 04/10/14 AMEND: 60201, 60203, 60205, 60207, 60210
 03/12/14 ADOPT: 56068, 56069, 56070, 56071, 56072, 56073, 56074, 56620, 56621, 56622, 56623, 56624, 56625 AMEND: 56101
 01/28/14 ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525
 01/27/14 AMEND: 100600, 100601, 100602, 100608
 12/31/13 ADOPT: 95124 AMEND: 95101, 95102, 95103, 95104, 95105, 95110, 95111, 95112, 95113, 95114, 95115, 95116, 95117, 95118, 95119, 95120, 95121, 95122, 95123, 95129, 95130, 95131, 95132, 95133, 95150, 95151, 95152, 95153, 95154, 95155, 95156, 95157
 12/17/13 AMEND: 1230, 2641.57

Title 18

05/14/14 ADOPT: 17942
 05/13/14 AMEND: 1699
 04/09/14 REPEAL: 18641, 19513
 04/02/14 AMEND: 1705
 03/10/14 ADOPT: 18662-0, 19002 AMEND: 18662-1, 18662-2, 18662-3, 18662-4, 18662-5, 18662-6, 18662-8 REPEAL: 18662-7, 18662-11, 18662-12, 18662-13, 18662-14
 03/04/14 AMEND: 1502
 02/25/14 ADOPT: 5255, 5256, 5453, 5552 AMEND: 5200, 5212, 5215, 5215.4,

	5215.6, 5216, 5217, 5218, 5219, 5220, 5222, 5224, 5225, 5230, 5233, 5235, 5237, 5240, 5241, 5242, 5247, 5250, 5262, 5264, 5266, 5267, 5270, 5311, 5322, 5323.6, 5323.8, 5324, 5325.6, 5332, 5332.6, 5333, 5333.4, 5333.6, 5334, 5334.4, 5334.6, 5335, 5336.5, 5345, 5421, 5435, 5444, 5450, 5451, 5452, 5460, 5463, 5510, 5511, 5512, 5522.8, 5523.6, 5551, 5561, 5562, 5563, 5570, 5573, 5574 REPEAL: 5450, 5512, 5563	02/27/14	AMEND: 2922
		02/04/14	AMEND: 2921
		01/09/14	ADOPT: 13.2, 21, 22, 23, 24, 25, 27, 29 AMEND: 13, 13.1, 13.2 (renumbered to 13.3), 20, 21 (renumbered to 26), 26 (renumbered to 28), 28 (renumbered to 30) REPEAL: 23, 24, 25, 27
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		04/07/14	AMEND: 4353, 4369
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